

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WENDY DAVIS, DAVID GINS, and
TIMOTHY HOLLOWAY,

Plaintiffs,

V.

ELIAZAR CISNEROS, RANDI CEH, STEVE
CEH, JOEYLYNN MESAROS, ROBERT
MESAROS, and DOLORES PARK,

Defendants.

S

1:21-CV-565-RP

ORDER

Before the Court is Plaintiffs’ motion for Rule 37 sanctions against Defendants Eliazar Cisneros, Randi Ceh, and Steve Ceh. (Dkt. 448). Also before the Court is Cisneros’s motion for leave to file pretrial filings and motions in limine. (Dkt. 457). Both motions were considered at the final pretrial conference held on August 5, 2024. (Min. Entry, Dkt. 461).

For the reasons stated on the record at final pretrial conference, Cisneros's motion for leave to file pretrial filings and motions in limine is granted. Cisneros's pretrial filings, (Dkt. 441), and motion in limine, (Dkt. 443), are properly before the Court. Accordingly, Plaintiffs' request for sanctions against Cisneros due to his untimely filings is denied.

However, in their motion for sanctions, Plaintiffs also request that the Court find that Cisneros has waived all objections to Plaintiffs' pretrial filings. (Dkt. 448, at 3). Cisneros's deadline to file any response or objections to Plaintiffs' pretrial filings passed on July 29, 2024. *See* Local Rule CV-16(g). To date, Cisneros has not filed any responses to Plaintiffs' pretrial filings, nor has he moved the Court for an extension of time. Accordingly, the Court finds, pursuant to Federal Rule of

Civil Procedure 26(a)(3)(B), that Cisneros has waived all objections to Plaintiffs' pretrial filings, except for those made under Federal Rules of Evidence 402 and 403.

At the final pretrial conference, Plaintiffs requested more time to respond to Cisneros's pretrial filings because he filed them late. Cisneros noted that he was not opposed to such an extension of time. (Min. Entry, Dkt. 461). Accordingly, the Court will extend Plaintiffs' deadline to respond to Cisneros's pretrial filings.

Plaintiffs also move for sanctions against Defendants Randi Ceh and Steve Ceh (the "Ceh Defendants"). As mentioned at the final pretrial conference, the Court orders the Ceh Defendants to submit any pretrial filings at least three weeks before trial. The Court cautions the Ceh Defendants that if they fail to abide by this deadline, the Court may find that they have waived their opportunity to affirmatively put on evidence and witnesses at trial. Further, because the Ceh Defendants have not timely filed their responses to Plaintiffs' pretrial filings, the Court finds, pursuant to Federal Rule of Civil Procedure 26(a)(3)(B), that the Ceh Defendants have waived all objections to Plaintiffs' pretrial filings, except for those made under Federal Rules of Evidence 402 and 403.

For these reasons, **IT IS ORDERED** that Cisneros's motion for leave to file pretrial filings and motions in limine, (Dkt. 457), is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' motion for Rule 37 sanctions against Cisneros and the Ceh Defendants, (Dkt. 448), is **GRANTED IN PART AND DENIED IN PART**, in accordance with this order and the Court's findings during the final pretrial conference.

IT IS FURTHER ORDERED that Plaintiffs shall file their responses to Cisneros's pretrial filings on or before **August 12, 2024**.

IT IS FINALLY ORDERED that the Ceh Defendants shall file their pretrial filings on or before **August 19, 2024**.

SIGNED on August 12, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE